

**CITY OF TAKOMA PARK, MARYLAND  
(ADOPTED 11/12/02)**

**REGULAR MEETING, WORKSESSION & CLOSED SESSION  
OF THE CITY COUNCIL**

**Monday, October 28, 2002**

---

Closed Session 10/21/02 - Moved by Stewart; seconded by Austin-Lane. The Council voted unanimously to convene in Closed Session at 10:41 p.m. in the Conference Room of the Municipal Building. OFFICIALS PRESENT: Porter, Austin-Lane, Dawes, Elrich, Maack, Stewart, Williams. STAFF PRESENT: Finn, Waters, Silber, Sigman (all items); Daines (item #1); Lt. Coursey (#2); Lott and Linkletter (#3). (1) The Council received information about a personnel issue. (2) The Council asked staff to pursue additional information regarding a personnel issue. (3) The Council received a briefing on legal issues related to the Tree Commission and made recommendations to the City Manager. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i), (1)(ii), and (7)).

---

**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Austin-Lane

Councilmember Dawes

Councilmember Elrich

Councilmember Stewart

Councilmember Williams

City Manager Finn

City Clerk Waters

Assistant City Attorney Perlman

ECD Director Daines

Landlord-Tenant Coordinator Walker

**OFFICIAL ABSENT:**

Councilmember Maack

The City Council convened at 7:35 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

**ANNOUNCEMENT**

Mayor Porter announced that Councilmember Maack will not be joining us this evening because she is not feeling well.

**COUNCIL COMMENTS**

Councilmember Williams noted a meeting tomorrow night from 7:30-9:00 p.m. at the Washington Maclaughlin Christian School for a presentation about the proposal for development of a multi-unit senior residence on the property.

Councilmember Austin-Lane commented on the data base integration obstacles experienced by area law enforcement agencies in the recent sniper investigation. If all information is not connected, the police cannot easily pull the pieces together. She asked whether the Council would like to pursue a discussion about the City's current system and the adequacy of information that can be obtained through the system.

Ms. Porter referred the matter to the Police Chief for a response.

Ms. Porter noted that the City's annual Halloween activities were previously cancelled because of concerns about the sniper. However, there will be an abbreviated activity on Thursday evening beginning at 6:30 p.m. in front of the Municipal Building and moving to the school next door. She encouraged everyone to attend.

## **ADDITIONAL AGENDA ITEMS**

None.

## **ADOPTION OF MINUTES - 9/9, 9/23, 9/30, and 10/14**

Moved by Williams; seconded by Austin-Lane.

The Minutes were adopted unanimously (VOTING FOR: Porter, Austin-Lane, Dawes, Stewart, Williams; ABSENT: Elrich, Maack).

## **CITIZENS COMMENTS**

None.

## **REGULAR MEETING**

### **1. Resolution re: Civil Liberties.**

Ms. Porter called the Council's attention to the revised version of the resolution that was distributed this evening, noting that there were a number of changes that she and Councilmember Elrich discussed which were intended to be in the resolution. She remarked that there is a

section in the second Resolved clause that was the subject of some discussion. It basically reiterates what the City's Sanctuary Law states. It is redundant, but it does not hurt anything.

Councilmember Elrich indicated that he would be okay with either leaving the language in the resolution or taking it out, but that he thinks that we should restate the current law.

Mr. Williams proposed an addition on the same page to item #3 (first section, third line), adding language to read "...actively work for the repeal of all existing and enactment of any new legislation..."

Ms. Porter suggested that the word "against" should be inserted prior to "enactment."

Councilmember Stewart questioned the outcome of the discussion about deleting the language in parentheses in Section #2.

Ms. Porter responded that this is the same statement that Mr. Elrich and she were discussing earlier. In the version distributed this evening, there is an additional Whereas clause, a rewording of another Whereas clause, and the Resolved clauses are slightly expanded. Since no one seems to have a strong sense about the language in parentheses, the "Mover" can move as he or she would like for the resolution to be considered.

Mr. Elrich moved the resolution with the language in parentheses and the addition of Mr. Williams' and Ms. Porter's revisions; seconded by Mr. Williams.

Mr. Elrich commented on the changes that have been taking place in Washington, D.C., noting that he is old enough to remember why civil liberties legislation was put in place after the 1960's. He said that he views the Patriot Act and those proposing more legislation as opening more opportunities for the federal government to go against civil liberties. A lot of citizens share this common concern. We are not the first community to be having this discussion. It is appropriate for the Council to take a position on this matter. The process of American history is to go forward and provide greater liberties—not to go backwards. (Audience applause)

Ms. Porter suggested that the audience read the article that appeared in the *Washington Post* this past Sunday which give a brief history of the process by which the Patriot Act was enacted. The September 11, 2001, terrorism was not the cause but the opportunity to enact the legislation. It would be a real shame if we were to allow the terrorists to gain that advantage as a result of their action--that civil liberties would disappear. She said that she would also regret if we were headed down a road that people were so frightened by acts of terrorism that they would give up civil liberties. She expressed support for the resolution. (Audience applause)

Mr. Williams complimented the very well stated remarks made by Mr. Elrich and Ms. Porter, adding his complete agreement.

Ms. Austin-Lane also agreed with the remarks, noting that she has been asked who was responsible for putting together the language of the resolution and that she would like to recognize Mr. Elrich and Ms. Porter for their work.

Mr. Elrich acknowledged the contributions from Jim Kuhn and Jay Levy. The resolution was circulated to Council for comment, and discussions went back-and-forth between him and the Mayor. This was a joint effort.

Elliott Andelman, Member of the Board of Maryland ACLU commented that he is proud to be a resident of Takoma Park. We have a history of protecting civil rights and liberties, and in particular, being a sanctuary in welcoming immigrants. In this resolution, we reaffirm our support for civil rights. He said that he hopes this will be a resolution that many communities around the country will adopt. He supported the Council's decision to leave in the clause in paragraph #3, explaining that even though it is redundant in the City because of our Sanctuary Law, it is important to be reiterated and may not be redundant in other cities that might use our resolution as a model. It is important to reiterate our commitment in that respect.

Andy Kelemen, Philadelphia Avenue supported the resolution. It is appropriate that we stand up and be counted for civil liberties.

Rudy Arredondo, 1212 Myrtle Avenue (Member of the ACLU (Board of Montgomery County Chapter) stated that he has been a resident of the City since 1978 and that he is proud to live in the City and be part of this resolution. He identified a brief written statement from a friend regarding her personal experience. He read a statement from Beth Sinowsky describing an arrest of a friend's family member. This was done as part of the post-911 sweep to identify possible suspects. This person and others were retained in jail for many days in Virginia. Her family feels that the only reason for the raids was to identify illegal immigrant workers. Mr. Arredondo said that Attorney General Ashcroft and the Bush Administration are using the system to deny citizens of their rights. He urged for support of the resolution and then made some of his own remarks. He said that he is proud to live in a community where we have freedoms. This past weekend, we all gave a sigh of relief with the arrests of the alleged snipers. Democracy has one basic element—liberty. Since the sniper incidents began, immigrant communities have been living in fear. He expressed support for the resolution.

Joan Jacobs, Carroll Avenue thanked all who worked on the resolution. It is very important. She said that this effort has made her think of Sammie Abbott and the warm feeling that she had when his name was placed on this building. She noted that he was harassed and persecuted during his time, but that it is important to remember how he stood up.

Hank Prensky, Maple Avenue commented that the City has a long history of political activism. Sometimes it is said that we have our own foreign policy. It is a sign of our maturity and compassion and commitment to the ideals that we hold dear. He recalled Mr. Abbott's original work on the Nuclear-Free Ordinance. The City's Sanctuary Ordinance was another accomplishment. Mr. Prensky expressed pride in the City's commitment to all residents who

reside in the City, with our non-citizen voting rights. These are symbols of democracy and inclusion. He commended the Council, Mayor, and citizens who worked on this resolution, for coming forward at a time of some risk. This is an extremely patriotic act that the Council takes in passing this resolution. Mr. Prensky recalled that when he was on the Council, he was confronted by people who thought that we were doing things way beyond our means and beyond what residents really wanted. He said that he told them that we did our homework before we “went out to play”—i.e., provide City services and then go the extra mile. He commended the Council for taking a strong and decisive position on this issue.

Jim Kuhn, 41 Oswego Avenue noted that he will submit some written comments and remarked about the surveillance of what people read and seek, in terms of information, and the federal government's efforts to identify immigrants. He noted that he is a librarian and quoted the “Freedom to Read” statement. We believe that what people read is very important. Freedom itself is a dangerous way of life, but it is ours. These are not principles that give ammunition to America's enemies. These statements were written by librarians in support of freedom to access of information and ideas. The Patriot Act particularly targets immigrants, but it could affect anyone in the U.S. As a resident, he said that he takes very seriously our status as a Sanctuary City. He thanked the Council for considering this resolution.

Ms. Porter thanked Mr. Kuhn for his assistance in putting together the resolution.

David Milburn identified himself as a fairly new resident to the City and thanked Jim for his work in drafting the Resolution and the Council for considering its adoption. The City is now the eleventh jurisdiction to adopt this type of resolution and is among 40 others who are in the process of adopting similar resolutions. He applauded the Council for retaining the “redundant” phrase and remarked about the Sanctuary Law. He provided a series of statements that have been made by local law enforcement officials from around the U.S. They want to do the job they are paid to do, and to effectively do community oriented policing, officers have to work with the members of the community. It is admirable that the Council has made a statement in opposition to activities that are contrary to civil liberties.

Ms. Porter indicated that anyone who would like to provide something for the record, should submit it to the City Clerk.

(Male - Ashad?) congratulated the Council and neighbors who have gone to the trouble to draft the resolution. He identified himself as Muslim and said that he is probably one of those who will most benefit from the resolution. He commented on the U.S. Patriot Act, observing that it is troubling that only 11 communities have taken a position on this matter. This leaves 1000's of other communities that have not taken a stand. He then took issue with the actual name of the Act. It attempts to codify the things that are the exact opposite of patriotism. The very act of engaging in this debate is the most patriotic act. He thanked the residents and Council for their work on the resolution.

Caesar Lopez, with Kathleen Kennedy-Townsend campaign stated that while Kathleen has been working on security for the State of Maryland, she has worked to strike a balance between security measures and the protection of civil liberties and rights of individuals. He said that the audience should remember that Kathleen cares about protecting civil liberties, and reiterated previous remarks in support of addressing this issue. Mr. Lopez commented that there is one thing to learn from the activists in this community, if residents have taken the time to bring up an issue like this, it is worth addressing.

Lynn Bradley, Maple Avenue thanked her neighbors for getting this debate together and the Council for considering this resolution. Having sat as a former Councilmember at the time of the Nuclear-Free and Sanctuary votes, she said that she can guess some of the Council's current tugs and pulls about this resolution. However, she encouraged the Council to vote unanimously on this resolution. Ms. Bradley noted some of the specifics of the Patriot Act. The way it was passed without much public debate at a time when everyone was extremely upset by the terrorist acts was not appropriate. There were already a lot of legal provisions in place that could address terrorist concerns. She noted the values that continue since the time of the Sanctuary Law and the initial anxiety of the police when it was enacted (i.e., concern that the legislation would force them not to enforce the law). She encouraged the Council to demand accountability in this law. The Council would make a great stand in helping other communities to realize that it is okay to ask for accountability from federal officials. This is the right thing to do, right now. She urged the Council to support the resolution.

Ms. Austin-Lane conveyed some residents' concerns about the City taking up an issue like this. Among the comments she received, some have said that this might not help us get cooperation from other jurisdictions and might have negative impact on some of the funding we are seeking for other priorities in the City. She said that she personally supports the resolution and that she has heard from others in the community who support it. Comments were generally very supportive. The U.S. Patriot Act in the view of many, eliminated democracy as defined by *The Constitution*. Comments were made about using citizen spies and avoiding due process. The term "patriot" should be reserved for actions that preserve *The Constitution*, and it was suggested that the term be removed at a higher level of government.

Ms. Stewart remarked that one of the characteristics of our City that residents take great pride in, is diversity. One area of diversity is the position that the community take on various issues. She said that she does not think that the Council can adequately reflect the attitude and positions of everyone in the community. We are on the mark of those in the audience tonight, but we should not feel that we are reflecting the attitude of all residents of the City.

Resolution #2002-82 was adopted unanimously (VOTING FOR: Porter, Austin-Lane, Dawes, Elrich, Stewart, Williams; ABSENT: Maack).

**RESOLUTION #2002-82**  
**(Attached)**

## **2. Resolution re: U.S. Military Action Against Iraq.**

Moved by Elrich; seconded by Williams.

Mr. Elrich said that he is deeply concerned about the country's move toward war. A past City Council took a vote in opposition to a war in Iraq (during the last Bush Administration), and we now find ourselves revisiting the same part of the world for the same reason under the current Bush Administration. He remarked that he is alarmed that the country moved so eagerly in the direction of war, even without international backing. The effort seems to have gone forward without the support of the United Nations. The people who are responsible for the acts of September 11<sup>th</sup> have not been dealt with, yet. To go to war against Iraq is a poor management strategy. He commented on the various ethnic groups that probably hold the U.S. responsible for deaths of people in their countries, but pointed out that they do not respond by waging war on the U.S. We should not go to war unnecessarily. Before we go about blindly and comfortably taking 1000's of civilian lives, we should be certain that we have pursued all other alternatives.

Mr. Williams pointed out that the final Whereas clause identifies a legislative representative who is not actually a representative of the City. Technically, Congressman Wynn is our representative until the new Congress takes office.

Ms. Austin-Lane asked whether it might be more appropriate to use language "...any other Maryland representative who voted against..."

Ms. Stewart commented that as she stated earlier, the City is full of diversity, and this is another issue where we would find a diversity of opinions. In this particular instance, everyone can protest individually or in groups where there is agreement. It is not appropriate to affirm this resolution and would be equally as inappropriate to affirm a resolution in support of the military action.

Ms. Porter noted that the resolution is modeled after a resolution adopted by Santa Cruz, California, but that a number of clauses that are in the Santa Cruz resolution were removed because we should focus on the prospect of war. This is an appropriate thing for us to do, with due respect to other Councilmembers who feel differently. A war against Iraq would have consequences for the operation of our local government. It is a clear moral issue. Many things that we deal with do not have the kind of moral vision that an issue like this has. In cases like this, it is important that the elected representatives speak to our own moral values, as well as to our representation of the residents of the City. It seems that taking action against a smaller government, because we think that they may one day act against us, is not a moral action. There is international law that governs the situation that may or may not be about to happen. That law does not allow us to take this kind of pre-emptive military action against a smaller power. She expressed concern that since the U.S. is the only remaining super-power in the world, the leaders in other countries will take positions without as much consideration given to the position of the U.S., if they see us moving forward without their support in this war effort. Ms. Porter said that she hopes that our country makes the right choice and that she regrets that Congress has

authorized the administration to move forward. We should feel free to speak out. She supported adoption of the resolution.

Jay Levy, 7434 Baltimore Avenue remarked that to those who feel that for some reason it is not incumbent upon this body to address this situation, “think-tanks” estimate that it will cost \$1-2B if the nation goes to war. If we go to war with Iraq, we will feel the daily impact. The Council should consider this issue for our own protection. We need to think about the already overcrowded schools. In a war climate, we could only expect even stricter financial constraints. Those on the Council who do not address this issue are shirking their responsibility.

Larry Drake, Carroll Avenue encouraged adoption of the resolution. The Bush Administration wants to go to war. They seem frustrated that the United Nations is not supportive. He expressed concern that the nation will go to war and that 1000's of Iraq citizens and American soldiers will die. The U.S. will be acting like a bully. Most Americans do not want that to be the characterization of our country. He said that he was moved by the Mayor's highlighting of the moral component of this issue.

Merrill Heffner, Carroll Avenue supported the resolution. We can make arguments for the resolution and can be interpretive. However, it seems that most of us agree that this is a moral issue. It is not for us to contemplate the possible outcomes. He said that he does not think that the last three clauses belong in the resolution because they dilute the intent.

George Taylor, Park Avenue commended the Council for considering the resolution. Last Saturday, he said that he joined 100's of Takoma Park residents for the march on the Capital which was attended by 1000's of others to express opposition to the war on Iraq. The Bush Administration seems to have turned the “Golden Rule” upside down (i.e., “do to them before they do to you”). When the Congress and President ignore the public sentiment, it is appropriate for municipalities to take a position. He noted other localities who have expressed similar opposition through resolutions. Recently, Senator McCain spoke before a rally of 1000's of college students and when he asked how many would volunteer to go to war, only one stood up. Mr. Taylor noted that Scott Ritter has declared publicly that Iraq has no weapons of mass destruction. This is the wrong war, at the wrong time, and for the wrong reasons. He encouraged a unanimous vote for the resolution.

Barbara Davis, Philadelphia Avenue commented that she spoke before the Council in 1989 on the matter of the bombing of Iraq. The room was packed. She recalled three people who spoke in favor of the bombing at that time. Today, the majority of people in the U.S. are opposed to the war in Iraq, but the polls are being twisted. She said she is disturbed by the results of the survey done among Congressional staff members--1000's of opposing remarks. Congressman Wynn has cited that the position is 100-1 against the war; yet, he has not made up his mind about how to vote on the proposition. Only Congress can declare war. By not taking a position, they are not fulfilling their duty as prescribed in the Constitution. She encouraged the Council to vote in support of the resolution.



(Male....speaker on previous agenda item) remarked that a lot of the numbers being seen in the polls reflect the ambivalence of many. He thanked the Council for taking a position on this issue, agreeing with the comments made by previous speakers. Every country and nation abroad is questioning the war. Some think that the U.S. has not yet defined what the war on terrorism means. A lot of nations globally will stop working with the U.S. if this war goes forward. He said that he recently traveled abroad with his wife, and soon quit revealing that they were Americans because were being spit on, largely because of what is taking place on this matter. It is important that those who have a position on this issue take a stand. He encouraged a supportive vote for the resolution.

Hank Prensky, Maple Avenue remarked that this is the right thing to do and the right time to do it. He said that he also participated in the events on Saturday. It was probably the largest protest against federal government in many years. While Congressional representatives were voting in support of the insanity of this war initiative, the CIA spoke on the point that they did not believe Iraq has the types of weapons that we fear. About a month ago, he indicated that he spent an afternoon with a group that lobbied Senators and was encouraged to find out that the mail, e-mail, and phone calls were running about 100-1 against war in Iraq. This makes it more confusing to determine how Congress voted to support the President's direction. While Councilmember Stewart may know of residents who support the war, they are not here this evening. Mr. Prensky said that he is offended by the reference to Congresswoman Morella in this resolution. There were a number of others who voted against the war effort. He questioned why the Council singled out Connie Morella for mention in the resolution. He proposed an amendment to the resolution, eliminating the Congresswoman's name from the language, and to include language about how unfortunate it was that Congressman Wynn voted in favor. This is the right thing to do. He commended the Council for bringing this to residents' attention.

Steve Shapiro, Willow Avenue said that he was here for a meeting in January 1991 and noted the difference between then and now, in terms of the number of people in the audience. The place was packed. The resolution about Desert Storm was about third on the agenda. He recalled asking Mayor Sharp if he would move the item up on the agenda, and he agreed. What was disturbing was that many people were here and in favor of going to war. Tonight, we have a fairly small attendance. Despite our community and City's reputation, there is not much participation in this discussion. People have become far less involved in civic and political life. He recognized that the Councilmembers are here because of a dedication to community service; for that, we all thank you and commend you for taking up this issue. Issues are facing our society, but the people are not involved as a general matter. We are almost being swept up with the tide. Taking a position on this resolution is a good thing. He thanked the Council for its consideration.

Lynn Bradley, 7305 Maple Avenue spoke about the myth that adoption of this resolution will hurts Takoma Park, recalling some of the fears related to positions taken on issues by past City Councils. She encouraged the Council to vote unanimously on this resolution. She said that she and her husband disagree on this issue, but that they do agree that there should be broad public debate. The Congressional votes have been pushed and black-mailed. She echoed Steve's

comments about past Council meetings with heated debate and extensive discussion, expressing hope that the Council adopts the resolution and actually gets some debate going in the community. We are watched as a community. She commented that about 9 years ago, she was on a cross-country plane ride with her two children and was talking to a man in the seat next to her. It turned out that he was a former retired Air Force person, and he immediately identified the City based on the Nuclear-Free Ordinance. He questioned the City's position on nuclear weapons and what the City had expected to gain by adoption of the ordinance. She explained her response to his questions, concluding that this is an example of how people are watching what we do as a community. The debate about war should be taken to the national level. She remarked that she is also discouraged by the small audience tonight.

Andy Kelemen, Philadelphia Avenue agreed with the Mayor's comments about this being a moral issue. If we are a super-power, our proper role is to be a leader in the international community. As a veteran of the Korean war, he said that this resolution should be passed. It is part of the same issue that we discussed before. We should not hold ourselves above the international community's standards and laws, just as we should not allow the Constitution to be discarded for some personal gains.

Emily Koechlin, Garland Avenue encouraged the Council to vote for the resolution. She stated that she is sorry that those who might oppose the resolution are not here tonight. However, the Council should follow the opinions of those who have spoken and vote in favor of the resolution.

Mr. Williams commented that in response to the gentlemen's remark about being spit on while traveling abroad, he had a similar experience out-of-country after the Gulf War. He and his partner Geoff identified themselves as Belgians. He said that he is honored to be here tonight so that he can vote for this resolution.

Ms. Austin-Lane said that she is pleased to see that residents in the community held meetings and are building coalitions around this issue. She noted receipt of some supportive feedback from residents, but stated that she would be remiss if she did not convey the voice of the opposition. Some of the negative comments were that this issue being a waste of Council's time; that the resolution is highly partisan and a questionable use of our attention; that we should stay out of national and international issues, given the problems in the City that remain unresolved; that we, as City Council representatives, were not elected on our foreign policy platforms; and that this would distract us from other important work and make us appear to other jurisdictions as self-important and silly. The favorable comments included some wanting the resolution to go even further and mention Israel's nuclear weapons as being a broader threat. She said that she was encouraged by the rally that took place in Washington this past weekend and another one that took place about a year ago. The resolution lacks some of the spirit of the City that was conveyed in past resolutions—statements that bring this issue closer to home. She suggested that the Council find a way to make the overall emphasis a little more local.

Ms. Porter responded to the point which representative's names were on the resolution, stating that she would be just as opposed to this was effort regardless of the party of the President. She

said that she would be opposed to the suggestion to remove Congresswoman Morella's name from the resolution. She holds the seat of the representative who we will be voting on in the upcoming election. Ms. Porter noted a recent meeting of the Maryland Mayor's Association and their visit to the legislature. She remarked that she was very impressed by Senator Sarbane's comments related to Homeland Security. He made a very eloquent and forthright statement.

Mr. Elrich said that he was on the Council when this room was more filled with activists and that he hopes that this is a pre-emptive strike to avoid the nation going to war. This thing should end now. If the nation does end up at war, this room could be filled for future debates. It is important that people know that regardless of what Congress says, the President does not speak with "one voice".

Ms. Austin-Lane asked how this resolution be communicated to elected representatives.

Ms. Porter responded that it can certainly be communicated to the Bush Administration. That would be important.

Mr. Williams added that it should be conveyed to Congressman Wynn, in particular.

Resolution #2002-83 was adopted (VOTING FOR: Porter, Austin-Lane, Dawes, Elrich, Williams; OPPOSED: Stewart; ABSENT: Maack).

**RESOLUTION #2002-83**  
**(Attached)**

**3. 1<sup>st</sup> Reading Ordinance re: Police Officer Over-Hires.**

City Manager Finn explained the intent of the ordinance. There is a fiscal constraint in that the over-hire would not exceed the approved budget. However, we may exceed the authorized strength at certain times during the year.

Ms. Porter remarked that the instigation for this ordinance is the difficulty we have had in hiring police officers. This is a problem shared across the country. By doing this, staff hopes that we will have new officers in the pipeline when an officer has to leave or be put on light-duty.

Ms. Stewart commented that it sounds like a good idea and one that will work, but that she is not sure how this will work in terms of the officers remaining on the payroll.

Mr. Finn explained that they would be on Workman's Compensation, leaving only a small percentage of salary that the City would have to pay while the officer is on injury leave or light duty.

Ms. Stewart questioned how many officers would be adequate to keep us up to speed.

Mr. Finn responded that we will have to evaluate the use of overtime. He provided an example of anticipated departures and possible over-lap periods, so new officers are in place when current ones leave. We are currently short by three officers. Police departments are down in strength because they are not getting qualified applicants; this is a problem across the nation. We have gone through situations where we have had candidates who have passed all of the exams, and then we found out from a psychological exam that we would not want to give the candidate a gun. He noted another example of a young candidate who could not be hired because of an experience with marijuana.

Ms. Austin-Lane thanked Mr. Finn and staff for being selective in new hires. That is definitely a priority.

Ms. Porter pointed out that the City Attorney has told us on a number of occasions that we have a very low rate of complaints about our officers.

Moved by Austin-Lane; seconded by Stewart.

Andy Kelemen, Chair of Public Safety Citizens Advisory Committee (PSCAC) commented that this idea was discussed with the committee and was thought to be an excellent idea. The time has come to do something of this nature.

Ordinance #2002-33 was accepted unanimously (VOTING FOR: Porter, Austin-Lane, Dawes, Elrich, Stewart, Williams; ABSENT: Maack).

**ORDINANCE #2002-33**  
**(Attached)**

**4. Resolution re: Montgomery County Executive's Citizen Cable Advisory Committee.**

Ms. Porter explained the resolution.

Ms. Williams moved the Resolution with "Harvey Solomon" identified as the candidate recommended for the appointment; seconded by Stewart.

Mr. Elrich indicated that he would have preferred to appoint the other candidate, Carl Smith to the committee. He recognized the qualifications of Mr. Solomon, but said that he is concerned about his close ties to the industries, explaining that they are a little different than what he would have liked to see for the representative of the City. We have had a very difficult time with franchises over and over again. Mr. Elrich remarked that he would have preferred someone with a more aggressive stance over the cable industry. Mr. Solomon has the base of knowledge and credentials to represent the City.

Ms. Porter noted that the committee meetings are open to the public and that Carl Smith is

welcome to attend.

Mr. Williams added that there are also some other opportunities for “At Large” appointments which Mr. Smith might pursue through the county.

Resolution #2002-84 was adopted (VOTING FOR: Porter, Austin-Lane, Dawes, Stewart; Williams; AGAINST: Elrich; ABSENT: Maack).

**RESOLUTION #2002-84**  
**(Attached)**

**5. Resolution re: PSCAC Appointments.**

Moved by Williams; seconded by Elrich.

Ms. Porter described the resolution.

Resolution #2002-85 was adopted unanimously (VOTING FOR: Porter, Austin-Lane, Dawes, Elrich, Stewart, Williams; ABSENT: Maack).

**RESOLUTION #2002-85**  
**(Attached)**

**6. Resolution re: PSCAC Honorary Member Appointment.**

Ms. Porter explained the resolution, noting that the PSCAC suggested and we support the recommendation to appoint Dr. Mergner as a life-time honorary member of the committee. She commented on his involvement on the committee as Chairperson for several years since its inception. We recognize the enormous amount of work and service that he has put into this committee and its formation.

Moved by Stewart; seconded by Elrich.

Ms. Stewart recalled her service on the first PSCAC a long time ago, commenting that she remains totally amazed and filled with respect for Mr. Mergner, who has stayed with the committee for so long. There were some very rocky times in the start. She commended his work in bringing it to the level of respect it has today.

Mr. Elrich remarked that the committee has grown and that Wolfgang largely led the initial growth and ensured that it would survive. The PSCAC has become one of the more important committees in the City. It is certainly the most regular, in terms of activities, presence, and communications with the Council. He thanked Mr. Mergner for his work on the committee.

Ms. Austin-Lane echoed the previous remarks, adding her thanks for his continued leadership in public safety efforts.

Mr. Williams recalled Wolfgang's extensive efforts with all of the focus groups, noting that he attended all of those groups—a tremendous effort.

Andy Kelemen, PSCAC stated that this is not just a request for an appointment, based on past services, because we certainly hope to get some more work from Wolfgang in years to come. We are certainly walking in his footsteps, and we hope to keep on following him in his efforts.

Mr. Mergner thanked everyone for their very nice comments and assured the audience that he will stay connected.

Resolution #2002-86 was adopted unanimously (VOTING FOR: Porter, Austin-Lane, Dawes, Elrich, Stewart, Williams; ABSENT: Maack).

**RESOLUTION #2002-86  
(Attached)**

**ADJOURN / CLOSED SESSION**

The Council moved into Worksession at 9:35 p.m. and later convened in Closed Session at 11:46 p.m. Following the Closed Session, the Council adjourned for the evening.

---

Closed Session 10/28/02 - Moved by Austin-Lane; seconded by Elrich. The Council voted unanimously to convene in Closed Session at 11:47 p.m. in the Conference Room of the Municipal Building. OFFICIALS PRESENT: Porter, Austin-Lane, Dawes, Elrich, Stewart. OFFICIAL ABSENT: Maack, Williams. STAFF PRESENT: Finn, Waters, Ludlow, Perlman. The Council discussed annexation of property outside of City. The Council instructed staff to gather further information and to meet with property owners. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(7)).

---